

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
MILWAUKEE DIVISION

JOSHUA WALTER, individually,
and as representative of a Class of
Participants and Beneficiaries
of the Kerry Inc. Savings Plan,

Plaintiff,

Case No. 2:21-cv-539-BHL

v.

KERRY INC., et al.

Defendants

JOINT STATUS REPORT

Pursuant to the Court's Order on June 10, 2022 (ECF. No. 28), Plaintiff Joshua Walter ("Plaintiff") and Defendants Kerry Inc. ("Kerry Inc."), the Board of Directors of Kerry Inc., and the Benefits Committee of the Kerry Inc. Savings Plan, (collectively, "Defendants") (Plaintiff and Defendants collectively referred to as the "Parties"), submit this Joint Status Report, stating as follows:

1. On April 27, 2021, Plaintiff commenced an action in this Court under the Employee Retirement Income Security Act, 29 U.S.C. §§ 1001-1461, alleging that Defendants breached their fiduciary duties in administering the Kerry Inc. Savings Plan ("Plan"). ECF No. 1.

2. On June 10, 2022, the Parties filed a proposed joint stipulation to stay proceedings pending a mediation (ECF No. 27), and on that same day, the Court granted a stay and ordered that the parties submit a status report no later than September 19, 2022. ECF. No. 28.

3. On September 13, 2022, the Parties mediated before private mediator Bob Meyer of JAMS, and reached a settlement in principle to resolve this matter.

4. The Parties will continue to negotiate the terms of a class action settlement

agreement over the next several weeks, and Plaintiff intends to file a motion for preliminary approval of the class action settlement no later than October 31, 2022.

5. Accordingly, the Parties request that the Court continue the stay in this matter until the filing of Plaintiff's motion for preliminary approval of the settlement.

Dated: September 14, 2022

Respectfully submitted,

/s/ Paul M. Secunda

Paul M. Secunda

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